

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1605

Introduced by Senator Murray

February 20, 2004

An act *to add Section 664 to the Civil Code*, relating to genetic information.

LEGISLATIVE COUNSEL'S DIGEST

SB 1605, as amended, Murray. Genetic information: privacy.

Existing law defines property as anything that may be owned, and defines the ownership of a thing as the right of one or more people to possess and use a thing to the exclusion of others. Existing law classifies property as either real property or personal property.

This bill would provide that genetic information is the personal property of the individual to whom the information pertains, and is protected by the right to privacy.

~~The Confidentiality of Medical Information Act establishes standards of confidentiality with respect to medical information and subjects a provider of health care, health care service plan, pharmaceutical company, and certain contractors to penalties for improper use and disclosure of medical information. The act prescribes civil penalties for the disclosure by a health care service plan of genetic test results contained in an applicant's or enrollee's medical records.~~

~~Existing law requires that the Department of Justice develop a DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person, as defined. Existing law establishes procedures to protect the confidentiality of DNA samples under this DNA data base program.~~

~~This bill would state the intent of the Legislature to enact legislation that would establish procedures relating to genetic information and privacy.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~legislation that would establish procedures relating to genetic~~
3 ~~information and privacy.~~

4 *SECTION 1. Section 664 is added to the Civil Code, to read:*
5 *664. Genetic information is the personal property of the*
6 *individual to whom the information pertains, and is protected by*
7 *the right to privacy.*

